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Letter dated 23 April 2012 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

With reference to our complaint filed on 10 April 2012 regarding the unlawful occupation by the Government of the Republic of South Sudan of the Sudanese town of Heglig, as a result of which the Security Council issued its presidential statement on 11 April 2012, calling on the Government of South Sudan to withdraw from the Sudanese town of Heglig, the Government of Sudan, with respect to the presidential statement of the Council, exercised self-restraint for a period of nine days to monitor the response of the Government of South Sudan, hoping that they would heed to the voice of logic.

Unfortunately, the reaction of the President of the Republic of the South of Sudan to the presidential statement of the Security Council and to the call of the Secretary-General was disappointing for the whole international community when he declared during an official meeting on 13 April (which was widely disseminated live by all mass media) that the Government of the South will not withdraw from Heglig and he (President Salva) will not receive or adhere to instructions from neither the Security Council nor the Secretary-General. In addition to this negative response, the Government of Sudan has evidence in the form of a recorded telephone conversation on 20 April, between the Governor of Unity State in South Sudan, General Taaban Deng, and Fadeel, South Sudan's commander in Heglig, where General Taaban Deng is giving clear orders to their commander to burn all the oil facilities in Heglig. Only after that, did Sudan exercise its full right of self-defence in accordance with Article 51 of the Charter of the United Nations and reacted militarily, and recaptured the town of Heglig, on the same day, Friday, 20 April.

Accordingly, the allegation of the Government of South Sudan that they withdrew with respect to the call of the Security Council presidential statement and completed their withdrawal on Sunday 23rd is not factual. The liberation of Heglig form its unlawful occupation by the Sudan People's Liberation Army was due to the intervention of the Sudanese Armed Forces in defence of the Sudanese territories from any aggressor.

The claim of the Government of the South that Heglig is part of the South is based on a convoluted logic. Heglig is part and parcel of the territorial integrity of Sudan according to the borders of 1 January 1956, which were agreed upon in the 2005 Comprehensive Peace Agreement. Heglig was never a disputed area during the negotiations which led to the Agreement, and it is not among the five disputed areas.

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Furthermore, in July 2009, the ruling of the Permanent Court of Arbitration confirmed in categorical terms that Heglig is in the Northern Sudan district of South Kurdufan. Bringing this specific claim at this time is bizarre, and casts doubts as to their motives.

In this connection, I would like to reiterate the position of the Government of Sudan to resolve all pending issues with the Republic of South Sudan through negotiations under the mediation of the African Union High-level Implementation Panel, provided that all previous agreements reached between the two States are fully respected and implemented, particularly the security and boundaries agreements. We recognize and respect all the previous agreements including the Comprehensive Peace Agreement, the agreement on non-aggression, the ruling of the Permanent Court of Arbitration and the agreement on the demarcation of borders.

The continuous allegation by the Government of South Sudan, accusing the Republic of Sudan of aerial bombardment inside their territory is nothing but a pretext to disguise and to justify their aggression against Sudan.

The Government of Sudan would also like to draw the attention of the Security Council members to the continued hosting and support by the Government of the South to the rebel movements (Revolutionary Front), which declared that their main objective is to topple the Government in Khartoum. In this regard, a strong message must be sent to the Government of the South to immediately refrain from rendering such support to the rebel movements.

In conclusion, I would like to convey to the esteemed Council that the Army of South Sudan has caused great damage to the town of Heglig, where they burned the market, power supply station and essential oil facilities in the town. While conveying this information, we also call on the Council to hold the Government of the South accountable for these damages.

I should appreciate it if this letter could be circulated as a document of the Security Council.

(*Signed*) Daffa-Alla Elhag Ali **Osman**
Permanent Representative